

Part 2

Division of State History

9-8-201 Division of State History -- Creation -- Purpose.

- (1) There is created within the department the Division of State History under the administration and general supervision of the executive director or the designee of the executive director.
- (2) The division shall be under the policy direction of the board.
- (3) The division shall be the authority of the state for state history and shall perform those duties set forth in statute.

Renumbered and Amended by Chapter 241, 1992 General Session

9-8-202 Appointment of director.

- (1) The chief administrative officer of the division shall be a director appointed by the executive director with the concurrence of the board.
- (2) The director shall be experienced in administration and qualified by education or training in the field of state history.

Renumbered and Amended by Chapter 241, 1992 General Session

9-8-203 Division duties.

- (1) The division shall:
 - (a) stimulate research, study, and activity in the field of Utah history and related history;
 - (b) maintain a specialized history library;
 - (c) mark and preserve historic sites, areas, and remains;
 - (d) collect, preserve, and administer historical records relating to the history of Utah;
 - (e) administer, collect, preserve, document, interpret, develop, and exhibit historical artifacts, documentary materials, and other objects relating to the history of Utah for educational and cultural purposes;
 - (f) edit and publish historical records;
 - (g) cooperate with local, state, and federal agencies and schools and museums to provide coordinated and organized activities for the collection, documentation, preservation, interpretation, and exhibition of historical artifacts related to the state;
 - (h) promote, coordinate, and administer:
 - (i) Utah History Day at the Capitol designated under Section 63G-1-401; and
 - (ii) the Utah History Day program affiliated with National History Day, which includes a series of regional, state, and national activities and competitions for students from grades 4 through 12;
 - (i) provide grants and technical assistance as necessary and appropriate; and
 - (j) comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.
- (2) The division may acquire or produce reproductions of historical artifacts and documentary materials for educational and cultural use.
- (3) To promote an appreciation of Utah history and to increase heritage tourism in the state, the division shall:
 - (a)

- (i) create and maintain an inventory of all historic markers and monuments that are accessible to the public throughout the state;
 - (ii) enter into cooperative agreements with other groups and organizations to collect and maintain the information needed for the inventory;
 - (iii) encourage the use of volunteers to help collect the information and to maintain the inventory;
 - (iv) publicize the information in the inventory in a variety of forms and media, especially to encourage Utah citizens and tourists to visit the markers and monuments;
 - (v) work with public and private landowners, heritage organizations, and volunteer groups to help maintain, repair, and landscape around the markers and monuments; and
 - (vi) make the inventory available upon request to all other public and private history and heritage organizations, tourism organizations and businesses, and others;
- (b)
- (i) create and maintain an inventory of all active and inactive cemeteries throughout the state;
 - (ii) enter into cooperative agreements with local governments and other groups and organizations to collect and maintain the information needed for the inventory;
 - (iii) encourage the use of volunteers to help collect the information and to maintain the inventory;
 - (iv) encourage cemetery owners to create and maintain geographic information systems to record burial sites and encourage volunteers to do so for inactive and small historic cemeteries;
 - (v) publicize the information in the inventory in a variety of forms and media, especially to encourage Utah citizens to participate in the care and upkeep of historic cemeteries;
 - (vi) work with public and private cemeteries, heritage organizations, genealogical groups, and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites, and tombstones; and
 - (vii) make the inventory available upon request to all other public and private history and heritage organizations, tourism organizations and businesses, and others; and
- (c)
- (i) create and maintain a computerized record of cemeteries and burial locations in a state-coordinated and publicly accessible information system;
 - (ii) gather information for the information system created and maintained under Subsection (3)(c)(i) by providing matching grants, upon approval by the board, to:
 - (A) municipal cemeteries;
 - (B) cemetery maintenance districts;
 - (C) endowment care cemeteries;
 - (D) private nonprofit cemeteries;
 - (E) genealogical associations; and
 - (F) other nonprofit groups with an interest in cemeteries; and
 - (iii) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for granting matching funds under Subsection (3)(c)(ii) to ensure that:
 - (A) professional standards are met; and
 - (B) projects are cost effective.
- (4)
- (a) For a pass-through funding grant of at least \$25,000, the division shall make quarterly disbursements to the pass-through funding grant recipient, contingent upon the division receiving a quarterly progress report from the pass-through grant recipient.
 - (b) The division shall:

- (i) provide the pass-through grant recipient with a progress report form for the reporting purposes of Subsection (4)(a); and
 - (ii) include reporting requirement instructions with the form.
- (5) This chapter may not be construed to authorize the division to acquire by purchase any historical artifacts, documentary materials, or specimens that are restricted from sale by federal law or the laws of any state, territory, or foreign nation.

Amended by Chapter 123, 2014 General Session

9-8-204 Board of State History.

- (1) There is created within the department the Board of State History.
- (2) The board shall consist of 11 members appointed by the governor with the consent of the Senate as follows:
 - (a) sufficient representatives to satisfy the federal requirements for an adequately qualified State Historic Preservation Review Board; and
 - (b) other persons with an interest in the subject matter of the division's responsibilities.
- (3)
 - (a) Except as required by Subsection (3)(b), the members shall be appointed for terms of four years and shall serve until their successors are appointed and qualified.
 - (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term with the consent of the Senate.
- (5) Six members of the board are a quorum for the transaction of business.
- (6) The governor shall select a chair and vice chair from the board members.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session

9-8-205 Board duties and powers.

- (1) The board shall:
 - (a) make policies to direct the division director in carrying out the director's duties;
 - (b) approve the division's rules;
 - (c) assist the division in development programs consistent with this chapter;
 - (d) function as the State Review Board for purposes of the historic preservation program;
 - (e) recommend districts, sites, buildings, structures, and objects for listing on the State and National Historic Registers to the director;
 - (f) review and approve, if appropriate, matching grants under Subsection 9-8-203(3)(c)(ii); and
 - (g) function as the board of the society.
- (2)
 - (a) By September 30 of each year, the board shall prepare and submit a request to the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible institutions under this chapter.

- (b) The board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of:
 - (i) the total grant amount requested in the list; and
 - (ii) the basis of its prioritization of requested grants on the list.
- (c) The board shall accept applications for capital facilities grants by June 1 of each year, prior to compiling and submitting its yearly request to the governor and Legislature under Subsection (2)(a).
- (3) The board may establish advisory committees to assist it and the division in carrying out their responsibilities under this chapter.

Amended by Chapter 111, 2010 General Session

9-8-206 Historical magazine, books, documents, and microfilms -- Proceeds.

- (1) The division shall, under the direction of the board:
 - (a) compile and publish an historical magazine to be furnished to supporting members of the society in accordance with membership subscriptions or to be sold independently of membership; and
 - (b) publish and sell other books, documents, and microfilms at reasonable prices to be approved by the director.
- (2) Proceeds from sales under this section shall be retained in the treasury of the society.

Renumbered and Amended by Chapter 241, 1992 General Session

9-8-207 Historical Society -- Donations -- Accounting.

- (1)
 - (a) There is created the Utah State Historical Society.
 - (b) The society may:
 - (i) solicit memberships from persons interested in the work of the society and charge dues for memberships commensurate with the advantages of membership and the needs of the society; and
 - (ii) receive gifts, donations, bequests, devises, and endowments of money or property, which shall then become the property of the state of Utah.
- (2) If the donor directs that money or property donated under Subsection (1)(b)(ii) be used in a specified manner, then the division shall use it in accordance with these directions. Otherwise, all donated money and the proceeds from donated property, together with the charges realized from society memberships, shall be deposited in the General Fund as restricted revenue of the society.
- (3) The division shall keep a correct account of funds and property received, held, or disbursed by the society, and shall make reports to the governor as in the case of other state institutions.

Renumbered and Amended by Chapter 241, 1992 General Session